

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
October 13, 2011

In the Matter of H. A. HUBBARD, Minor.

No. 302363
Wayne Circuit Court
Family Division
LC No. 98-368631

Before: MURPHY, C.J., and TALBOT and MURRAY, JJ.

PER CURIAM.

Respondent appeals as of right the order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (i), (k), and (l). We affirm.

Respondent gave birth to her first child when she was only 13 years old and, shortly thereafter, began to abuse alcohol and marijuana. Consequently, respondent admitted a 24-year history of substance abuse. Respondent's protective services history dates back to 1998. In 2000, respondent's parental rights to five children were terminated. Then, in 2004, her parental rights to a sixth child, born that year, were also terminated. In 2010, respondent gave birth to the child at issue in this appeal. Both respondent and the newborn girl tested positive for marijuana at the time of the delivery. The baby's premature birth and low birth weight were attributed to respondent's substance abuse during her pregnancy. Respondent's daughter spent 50 days in the neonatal intensive care unit before she was discharged and placed in foster care.

Respondent does not contest the court's finding that the statutory grounds for termination of her parental rights were established by clear and convincing evidence. Instead, respondent argues that, despite the existence of grounds for termination of her parental rights, the trial court clearly erred because termination was not in her child's best interests. In support of this position, respondent argues that, unlike in the previous proceedings, she was finally making efforts to address her substance abuse. Respondent reasons that she should have been given additional time to work toward reunification because preservation of the parent-child relationship is paramount. We find that the trial court did not clearly err when it concluded that termination of respondent's parental rights was in the child's best interests.

In a child protective proceeding, the trial court must make an affirmative finding that termination of parental rights is in the child's best interests. MCL 712A.19b(5). If a statutory ground for termination is established and termination of parental rights is in the child's best interests, the court must terminate parental rights. *Id.* This Court reviews the trial court's

determination regarding a child's best interests under the clearly erroneous standard. MCR 3.977(K); *In re Jenks*, 281 Mich App 514, 516-517; 760 NW2d 297 (2008).

The evidence was undisputed that respondent had her parental rights to six other children terminated because she was unable to adequately address her substance abuse. Despite being offered a multitude of services and having her parental rights to six children terminated, respondent internalized nothing from her experiences. She became pregnant with the child at issue and, during the pregnancy, continued to abuse marijuana and alcohol. Indeed, the child's premature birth and low birth weight were attributed to respondent's substance abuse. At the termination hearing, respondent was eager to share with the court that she had independently entered an inpatient substance abuse treatment facility. However, it was apparent from respondent's testimony that she had not truly acknowledged her substance abuse. At the termination hearing, respondent first denied using substances during her pregnancy. She explained that the marijuana in her system was caused by her exposure to secondhand smoke. Eventually, she did admit using drugs during her pregnancy; however, even then, respondent asserted that she had quit using a month before she prematurely delivered her daughter. Because respondent still had not completely acknowledged the impact of her substance abuse, it was readily apparent that it would be a very long time before she would be able to demonstrate an ability to sustain a substance-free lifestyle.

This conclusion is bolstered by the report from respondent's Clinic for Child Study evaluation. The clinician acknowledged that respondent seemed to have some insight regarding her addiction and recently participated in a substance abuse program. However, he concluded that, in light of respondent's history, it would take a considerable length of time before respondent could demonstrate that she had successfully addressed her longstanding personality issues and patterns of behavior. The clinician then opined that it would not be in the child's best interests to wait that long for stability and permanence. This was particularly true considering the fact that the infant was born premature and was still being monitored for medical conditions related to the circumstances of her birth. The minor child required stability and permanency to foster her continued growth and development. Respondent, however, was not in a position to provide that stability and permanency, and it would be a very long time, if ever, before she would be able to demonstrate that she could properly parent her child. In light of these conclusions, the trial court did not clearly err when it found that termination of respondent's parental rights was in the child's best interests.

Affirmed.

/s/ William B. Murphy
/s/ Michael J. Talbot
/s/ Christopher M. Murray